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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FRIENDS OF THE CRAZY
MOUNTAINS, *et al.*,

Plaintiffs,

vs.

MARY ERICKSON, in her capacity
as Forest Supervisor for the Custer-
Gallatin National Forest, *et al.*,

Federal-Defendants.

CV-19-66-BLG-SPW-TJC

RESPONSE TO FEDERAL
DEFENDANTS' MOTION
TO DISMISS

The Federal Defendants’ Motion to Dismiss under Fed. R. Civ. P. 12(b) (Doc. 13) is moot, because the Friends of the Crazy Mountains *et al.* timely filed their First Amended Complaint under Fed. R. Civ. P. 15(a)(1)(B).

The Federal Defendants filed their Motion to Dismiss (Doc. 13) on August 19, 2019. The Friends of the Crazy Mountains *et al.*, filed their First Amended Complaint (Doc. 18) eighteen days later on September 6, 2019, within the twenty-one day period allowed for a party to amend its pleading as a matter of course under Fed. R. Civ. P. 15(a)(1)(B).

An “amended complaint supersedes the original” complaint, and therefore “the original pleading no longer performs any function.” *Ramirez v. County of San Bernardino*, 806 F.3d 1002, 1008 (9th Cir. 2015). Because the Federal Defendants’ Motion to Dismiss targeted the Friends of the Crazy Mountains’ original Complaint (Doc.1), which no longer is in effect, the Motion to Dismiss (Doc. 13) is deemed moot. *Id.*

Respectfully submitted this 9th day of September, 2019.

/s/ Matthew K. Bishop
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/s/ Michael Kauffman
Michael Kauffman
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CERTIFICATE OF COMPLIANCE

I, the undersigned counsel of record, hereby certify that this brief is proportionally spaced, has a typeface of 14 points or more, and contains less than 6,500 words. I relied on Microsoft Word to obtain the word count.

/s/ Michael Kauffman
Michael Kauffman